



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/557,628

11/17/2005

Pim Theo Tuyls

NL030552

4463

24737

7590

04/28/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SIMS, JING F

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/557,628	Applicant(s) TUYLS ET AL.	
	Examiner JING SIMS	Art Unit 2437	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED ON 4/13/2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached continuation sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-18.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached continuation sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Emmanuel L. Moise/
 Supervisory Patent Examiner, Art Unit 2437

/JING SIMS/
 Examiner, Art Unit 2437

Continuation of 3(a) notes:

The proposed amendment "and the criteria W" is not entered because the amendment requires further consideration and search. In regarding to Applicants' argument that "since the criteria W was received from the storage, the criteria W must have been supplied to the storage" (page 12, lines 12-13). At the time of final examination Examiner interpreted the claim language as it appears in the claim. It was not assumed that there was connections between the storing and receiving of the authentication data from the plain meaning of claim 1, because other possible deliveries/communications of "criteria W" from the apparatus of generating authentication data to the apparatus of authenticating authentication data may exist. For example, to record "criteria W" solely into a CD, then store to the storage of the authenticating apparatus separately from the control value V. Examiner acknowledges there is no new matter added from the explanation of applicants; however the search was conducted based on the original claim language; therefore, it does request an updated search after the amendment.

Continuation of 11 notes:

Regarding Applicants' argument that "neither the storing of the inspection information nor the storing of the authenticating information was disclosed or suggested by Kobayashi in claim 1 (page 14, lines 10-13). The storing of the inspection information and the storing of the authenticating information are not in the scope of claim 1. The claim language is to "inserting the control value V and the criteria W in the authentication data" which Kobayashi specifically teaches add the inspection information and hash as authenticating information (col. 16, lines 42-49).

Regarding Applicants' argument that the authenticating information disclosed by Kobayashi is just additional information added to the digital picture data and does not disclose or suggest the inserting the criteria W and the control value V in the authentication data (page 15, lines 4-7). In light of the specification of the instant application, Fig. 2A and Fig. 2B show the authentication data are control value V and criteria W. Kobayashi discloses it as "the generated time information, positional information, and environmental condition information, positional information, as well as the read-out personal information and apparatus information are added as authenticating information" (col. 16, lines 34-39), the formed information appears to be criteria W and then hash the criteria as a hash (col. 16, lines 42-46), which appears to be control value V, as the authenticating data. The authenticating data including criteria W.